

November 24, 2004

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

*Re: WC Docket No. 04-313, CC Docket No. 01-338; Triennial Review
Remand Proceeding*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, CompTel/ASCENT ("CompTel") hereby gives notice that on November 23, 2004, its representative met with Matthew Brill, Senior Legal Advisor to Commissioner Abernathy. In this meeting, CompTel explained that it would be appropriate for the FCC to retain the high-capacity loop and transport impairment presumptions and tests from the original Triennial Review Order. CompTel also explained that the notion of "contestability" raised by the D.C. Circuit as a basis for overturning the FCC's presumption of nationwide impairment for transport in the USTA II decision was easily rebutted by record evidence in the instant proceeding. CompTel further explained that any notion of a "carrier-specific" finding of non-impairment for transmission UNEs, predicated on the fact that the carrier was currently using special access, would be inappropriately discriminatory, would punish those carriers efficient enough to be surviving even while paying these artificially high rates, would better enable the RBOCs to coordinate retail prices by giving them the ability to raise key input prices at will, and would further thwart the development of a facilities-based competitive wholesale market by encouraging the Bells to continue to engage in the same types of anticompetitive behavior with respect to term and volume commitments that have limited wholesale competition thus far. Representing CompTel was the undersigned attorney.

Sincerely,

Jonathan Lee
Sr. Vice President
Regulatory Affairs